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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

ARMONDO CONTRERAS, JR.,

Defendant and Appellant.

B194831

x-ref. B182519

(Los Angeles County
Super. Ct. No. PA 048435)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Charles L. Peven, Judge. Affirmed.

California Appellate Project, Jonathan B. Steiner and Richard L. Fitzer, under
appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

We review this case for the second time. Our first opinion stated: “A jury convicted Armondo Contreras, Jr. of fleeing from the police while driving with willful disregard for persons or property. (Veh. Code, § 2800.2, subd. (a).) The trial court imposed a 16-month lower term sentence. [¶] Contreras appeal[ed], contending that the trial court erred in denying his motion to discover police personnel records without holding an in-camera hearing. (Evid. Code §§ 1043, 1045; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.) We agree[d], reverse[d] the judgment, and remand[ed] for the trial court to hold a hearing. If the court f[ou]nd[] no discoverable information, or, after disclosure of any such information, f[ou]nd[] that Contreras ha[d] not shown prejudice, it should reinstate the judgment in its entirety. If the court f[ou]nd[] that Contreras was prejudiced by the failure to disclose discoverable material, it should grant a new trial.” (*People v. Contreras, Jr.* (Dec. 22, 2005, B182519) [non-pub. opn.].) We ordered the court to review the personnel records of the two arresting officers for “information regarding dishonesty, untruthfulness, or incorrect cross-racial identifications motivated by ethnic bias” and to disclose any such information to Contreras. (*Ibid.*)

On remand, the court held an in-camera hearing at which it reviewed the personnel records of Officers Stratton and Holzer and ordered disclosure of information regarding one incident involving Stratton and four involving Holzer. After conducting an investigation, Contreras moved for a new trial based on information from two witnesses, one who alleged dishonesty against Stratton and one who alleged dishonesty against Holzer. After the prosecution filed opposition, the court held a contested evidentiary hearing.

One witness testified that after Stratton properly arrested him for driving under the influence, to which he later pleaded guilty, Stratton asked him to sign an envelope inventorying \$27 rather than the \$527 he actually had in his possession. When he refused, Stratton corrected the envelope to reflect the true amount, the witness signed and later received all his money. Stratton testified that he recorded the correct amount and never recorded a lesser amount. The second witness testified that Holzer detained him as a witness to a barroom brawl, then asked him to take a breath test to determine his

credibility as a witness. The witness complied but when the test recorded a 0.12 percent blood alcohol level, Holzer arrested him for drunk driving. A jury convicted the witness of drunk driving but the witness claimed that Holzer had lied at his trial when Holzer denied that the purpose of the breath test was to determine credibility. Holzer testified that he arrested the witness for driving under the influence, advised him of the requirement to submit to a chemical test, did not tell him that the test was to determine his credibility, and testified truthfully at trial.

The court found neither of Contreras' witnesses credible and further found that Contreras had not demonstrated prejudice from the failure to disclose the information before trial. As a result, the court reinstated the earlier judgment. (*People v. Kelly* (2006) 40 Cal.4th 106, 110, 123-124.)

Contreras appealed and we appointed counsel to represent him. After reviewing the record, counsel filed a brief raising no issues and asking us independently to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On March 5, 2007, we advised Contreras, who has been released on parole, that he had 30 days within which to submit any issues he wished us to consider. To date, we have received no response.

We have examined the entire record and are satisfied that Contreras' attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

The judgment is affirmed.

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ROTHSCHILD, J.

We concur:

MALLANO, Acting P.J.

VOGEL, J.